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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/502,038

02/03/2005

Shinichi Kai

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EXAMINER

WILSON, DEMARIS R

ART UNIT

PAPER NUMBER

1791

MAIL DATE

DELIVERY MODE

06/26/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/502,038	Applicant(s) KAI ET AL.	
	Examiner DEMARIS R. WILSON	Art Unit 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☒ Claim(s) 1 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/20/2004, 12/06/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claims 1 and 7 are objected to because of the following informalities:

In line 5 of claim 1, the recitation "formed no said optical disc" is considered grammatically incorrect. It is considered that applicant intended to say "formed 'on' said optical disc".

In line 15 of claim 1, the recitation "beam for recoding" is considered to have a misspelled word. It is considered that applicant intended to use "recording" in place of "recoding".

In line 17 of claim 7, the recitation "poser of said laser beam" is considered to have a misspelled word. It is considered that applicant intended to use "power" in place of "poser".

Appropriate correction is required. All recitations and usage of such terms, as deemed to be misspelled terms are expected to be corrected. That is, terms in the specification of the disclosure are also expected to be changed.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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2. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Kato et al. <US 2002/0018439>. Kato, regarding claims 1 and 7, discloses a method of making an optical medium where a master for an optical disc is manufactured and used to fabricate a stamper (see paragraphs [0029]-[0030], [0041]-[0045], and [0067]-[0074]) by

- i. Applying a laser beam (see paragraph [0043]) for recording modulated by an information signal corresponding to an information signal of an information concave (4) and convex (3) pattern formed on the optical disc to an inorganic (see paragraph [0043]) resist layer formed on a substrate to form an exposed pattern (see figures 1-4) corresponding to the information concave and convex pattern of the optical disc, and
- ii. Continuing with a development processing on the concave and convex patterns corresponding to the information on the concave and convex pattern of the inorganic resist layer, wherein
- iii. A laser beam for estimation, during the exposing step, (see paragraph [0067]-[0073]) is applied to a predetermined area on the inorganic resist layer to estimate information (i.e. pit modulation and/or AR) signal characteristics of the exposed pattern of the inorganic resist layer using the reflected light of the laser beam for the estimation and power of the laser beam for recording is controlled based on the estimated result.

3. Regarding claims 2 and 8, it is considered that Kato has disclosed using incomplete oxides of transition metals (see paragraphs [0043] and [0066]).

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4. Regarding claims 3-4, it is considered that Kato has disclosed irradiating different locations on the optical disc area for estimating characteristic information (see paragraphs [0067]-[0075]).

5. Regarding claims 5-6, it is considered that Kato discloses having a ratio between reflected light amount from an unexposed area and reflected light amount from the exposed area step (i.e. before recording/after recording- AR) to acquire information signal characteristics (see paragraph [0073]). With respect to claim 6, power is disclosed as being set (i.e. controlled) (see paragraphs [0073]-[0074]). Additionally, having a ratio and set point values are considered to be result effective variables, as one of ordinary skill in the art can without undue experimentation extract empirical data to have predetermined ratio ranges or other quantifiable units. Absent persuasive evidence as to such quantifiable units producing any unexpected results, having such recitations in the claims are considered to not establish patentability over the prior art.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DEMARIS R. WILSON whose telephone number is (571)272-6377. The examiner can normally be reached on 9-5 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571.272.1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Steven P. Griffin/
Supervisory Patent Examiner, Art
Unit 1791

/D. R. W./
Examiner, Art Unit 1791
6/20/2008